

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,) Case No. SA 14-0126M
Plaintiff,)
v.) ORDER OF DETENTION
NICKOLAS LEIVAS,)
Defendant.)

I.

- A. () On motion of the Government in a case allegedly involving:

 1. () a crime of violence.
 2. () an offense with maximum sentence of life imprisonment or death.
 3. () a narcotics or controlled substance offense with maximum sentence of ten years or more.
 4. () any felony - where defendant convicted of two or more prior offenses described above.

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5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. (X) On motion by the Government/() on Court's own motion, in a case allegedly involving:

(X) On the further allegation by the Government of:

1. (X) a serious risk that the defendant will flee.

2. () a serious risk that the defendant will:

a. () obstruct or attempt to obstruct justice.

b. () threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government () is/(X) is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

A. (X) The Court finds that no condition or combination of conditions will reasonably assure:

1. (X) the appearance of the defendant as required.

(X) and/or

2. (X) the safety of any person or the community.

B. () The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

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III.

The Court has considered:

- A. (X) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
 - B. (X) the weight of the evidence against the defendant;
 - C. (X) the history and characteristics of the defendant; and
 - D. (X) the nature and seriousness of the danger to any person or the community.

IV.

The Court also has considered all the evidence presented at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation

V.

The Court bases the foregoing finding(s) on the following:

- A. (X) As to flight risk:
Background information unknown due to failure to interview; no known bail resources; criminal history includes multiple failures to appear and bench warrants; multiple probation violations indicate lack of amenability to supervision; agent indicates defendant was a transient at time of arrest.

(X) As to danger:

Nature of the offense; multiple probation violations indicate lack of amenability to supervision.

1 VI.

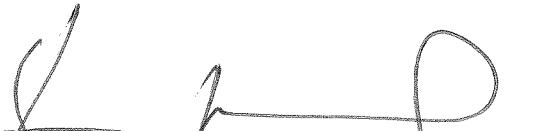
- 2 A. () The Court finds that a serious risk exists the defendant will:
- 3 1. () obstruct or attempt to obstruct justice.
- 4 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

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10 VII.

- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
13 Attorney General for confinement in a corrections facility separate, to the extent
14 practicable, from persons awaiting or serving sentences or being held in custody
15 pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
17 for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
19 request of any attorney for the Government, the person in charge of the corrections
20 facility in which defendant is confined deliver the defendant to a United States
21 marshal for the purpose of an appearance in connection with a court proceeding.

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23 Dated: 3/26/2014

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26 DOUGLAS F. McCORMICK
27 United States Magistrate Judge
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